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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 JOHN TOLE MOXLEY,

9 *Petitioner,*

10 vs.

12 DWIGHT NEVEN, *et al.*,

13 *Respondents.*  
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2:07-cv-01123-RLH-GWF

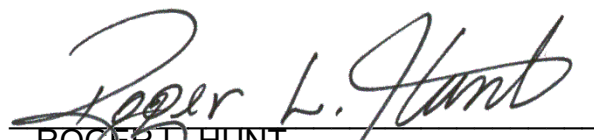
ORDER

15 Following upon petitioner's motion (#62) for partial dismissal in this represented habeas  
16 matter under 28 U.S.C. § 2254, which motion has not been opposed,

17 IT IS ORDERED that petitioner's motion (#62) is GRANTED such that Ground 2 is  
18 DISMISSED without prejudice, **to the extent that and only to the extent that:** (a) petitioner  
19 claims that he detrimentally relied upon a promise by the State that he could plead guilty in  
20 the stolen vehicle case, (b) petitioner claims that he had a deal that precluded habitual  
21 criminal enhancement in the stolen vehicle case; and (c) petitioner seeks specific  
22 performance of an alleged promise or plea deal in the stolen vehicle case.

23 The Court will issue a final order on the remaining claims shortly.

24 DATED: September 12, 2011.  
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28 ROGER L. HUNT  
United States District Judge